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AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 223

Introduced by Assembly Members ~~Member Ma and Lieu~~
(Principal coauthor: ~~Assembly Member Cook~~)
(Principal coauthor: Senator Alquist)

February 4, 2009

~~An act to add Section 51230.1 to the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately. An act to repeal and add Chapter 7 (commencing with Section 119300) of Part 15 of Division 104 of the Health and Safety Code, relating to body art.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 223, as amended, Ma. ~~Physical education: Junior Reserve Officers' Training Corps. Safe Body Art Act.~~

Under existing law, every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the county in which that business is conducted, obtain a copy of the county's sterilization, sanitation, and safety standards, as established by the California Conference of Local Health Officers and distributed by the State Department of Public Health, as specified, and pay a one-time registration fee of \$25. Existing law allows the county to charge an additional fee if necessary to cover the cost of registration and inspection and allows a county to adopt regulations that do not conflict

with, or are more comprehensive than, standards adopted by the department.

Under existing law, a person who fails to register or who violates the sterilization, sanitation, and safety standards is liable for a civil penalty of up to \$500, to be collected in an action brought by the prosecuting attorney of the county or city and county in which the violation occurred.

This bill would, as of July 1, 2011, repeal these provisions and, instead, enact the Safe Body Art Act. The act would prohibit a person from performing body art, as defined, without registering annually with the local enforcement agency. The bill would require practitioners to comply with specified requirements, including, among other things, client information and questionnaires, vaccination, bloodborne pathogen training, and sanitation. The bill would also require the owner of a body art facility, as defined, to obtain and annually renew a health permit from the local enforcement agency, as specified, and to maintain the body art facility in a specified manner.

This bill would exempt from the definition of body art the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear but would impose specified regulations on that practice. The bill would require facilities performing ear piercing to register annually with the local enforcement agency.

The bill would allow the local enforcement agency to set the fee amount for registration at an amount sufficient to cover the actual costs of administering the program.

This bill would regulate the performance of body art in vehicles, temporary booths, and at body art events and would require a person sponsoring a body art event to obtain a permit and fulfill specified requirements.

The bill would allow inspection by an enforcement officer, and would provide for the suspension or revocation of a certificate of registration or a health permit in specified circumstances. The bill would make performing body art without being registered, operation of a body art facility without a health permit, or operation of a temporary body art event without a permit a misdemeanor and would allow the local enforcement agency to assess an administrative penalty, in an amount not less than \$25 and not more than \$1,000 for violating a provision of the chapter.

This bill would allow a city, county, or city and county to adopt regulations or ordinances that do not conflict with, or are more stringent

than, the provisions of the act as those provisions relate to body art. Because this bill would place the inspection and enforcement requirements on local governments and because it creates a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Existing law provides that the governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with the laws of the United States made and provided with reference to Reserve Officers' Training Corps units in educational institutions.

This bill would make findings and declarations concerning the value of Junior Reserve Officers' Training Corps (JROTC) programs. This bill would require the San Francisco Board of Education to make JROTC courses available to pupils under its jurisdiction in grades 9 to 12, inclusive, at all schools within the district where JROTC courses were offered during the 2008-09 school year if it also makes athletic programs available to those pupils.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7 (commencing with Section 119300) of
2 Part 15 of Division 104 of the Health and Safety Code is repealed.

3 SEC. 2. Chapter 7 (commencing with Section 119300) is added
4 to Part 15 of Division 104 of the Health and Safety Code, to read:

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CHAPTER 7. BODY ART

7

8

Article 1. General Provisions

9

10 119300. (a) This chapter shall be known, and may be cited,
11 as the Safe Body Art Act.

(b) *The purpose of this chapter is to provide minimum statewide standards for the regulation of persons engaged in the business of tattooing, body piercing, and the application of permanent cosmetics in California. These requirements are intended to protect both the practitioner and the client from transmission of infectious diseases through the application of proper body art procedures and the control of cross-contamination of instruments and supplies.*

119301. For purposes of this chapter, the following definitions shall apply:

(a) *“Antiseptic solution” means a liquid or semiliquid substance that is approved by the federal Food and Drug Administration to reduce the number of microorganisms present on the skin and on mucosal surfaces.*

(b) *“Bloodborne pathogen” means a disease-causing microorganism that, when present in the blood, can be transmitted to humans, including, but not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).*

(c) *“Body art” means body piercing, tattooing, branding, or application of permanent cosmetics.*

(d) *“Body art facility” means the specified building, section of a building, or vehicle in which a practitioner performs body art, including reception areas, the procedure area, and the decontamination and sterilization area. “Body art facility” does not include a facility that only pierces the ear with a disposable, single-use, presterilized clasp and stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.*

(e) *“Body piercing” means the creation of an opening in a human body for the purpose of inserting jewelry or other decoration. “Body piercing” includes, but is not limited to, the piercing of an ear, including the tragus, lip, tongue, nose, or eyebrow. “Body piercing” does not include the piercing of an ear, except for the tragus, with a disposable, single-use, presterilized stud and clasp or solid needle that is applied using a mechanical device to force the needle or stud through the ear.*

(f) *“Branding” means the process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.*

(g) *“Client” means any individual upon whom a practitioner performs body art.*

1 (h) “Decontamination and sterilization area” means a room,
2 or specific section of a room, that is set apart and used only to
3 decontaminate and sterilize instruments.

4 (i) “Department” means the State Department of Public Health.

5 (j) “Decontamination” means the use of physical or chemical
6 means to remove, inactivate, or destroy bloodborne pathogens on
7 a surface or item to the point where the pathogens are no longer
8 capable of transmitting infectious particles and the surface or item
9 is rendered safe for handling, use, or disposal.

10 (k) “Disinfectant” means a hospital tuberculocidal product or
11 hospital product that is registered by the federal Environmental
12 Protection Agency and labeled as effective against human
13 immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use
14 in decontaminating work surfaces.

15 (l) “Enforcement officer” means all local health officers,
16 directors of environmental health, and duly authorized
17 environmental health specialists and environmental health
18 specialist trainees.

19 (m) “Hand hygiene” means either of the following:

20 (1) Thoroughly washing all surfaces of the hands and under the
21 fingernails with soap and warm water.

22 (2) In the absence of contamination with blood or other bodily
23 fluids, or obvious soiling, applying an antiseptic solution to all
24 the surfaces of the hands and underneath the fingernails.

25 (n) “Instrument” means any nonmedical application device
26 used in performing body art, including, but not limited to, needles,
27 needle bars, needle tubes, forceps, hemostats, tweezers, razors, or
28 razor blades.

29 (o) “Local enforcement agency” means the local health agency
30 of the county, city, or city and county. In jurisdictions where the
31 local health agency and the environmental health agency are
32 separate departments, the jurisdiction shall specify which entity
33 will be the local enforcement agency for purposes of this chapter.

34 (p) “Mucosal surface” means the moisture-secreting membrane
35 lining of all body cavities or passages that communicates with the
36 exterior, including, but not limited to, the nose, mouth, vagina,
37 and urethra.

38 (q) “Owner” means either of the following:

(1) *The person or persons whose name or names appear on the health permit, business license, property deed, or rental agreement of the body art facility.*

(2) *A person, acting as a principal of a corporation or partnership, who employs practitioners to perform body art or other activity regulated by this chapter.*

(r) *“Permanent cosmetics” means the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eyebrow, or lip color.*

(s) *“Potable water” means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116275) of Part 12).*

(t) *“Practitioner” means a person who performs body art on a client.*

(u) *“Procedure area” means a room, or designated portion of a room, that is set apart and only used to perform body art.*

(v) *“Procedure site” means the area or location on the human body selected for the placement of body art.*

(w) *“Sharps waste” has the same meaning as that term is defined in Section 117755.*

(x) *“Sterilization” means the complete destruction of all microbial life forms, including spores.*

(y) *“Tattooing” means the insertion of pigment in human skin tissue by piercing with a needle or needle bar.*

(z) *“Vehicle” means a vehicle that has been fitted or designed to perform body art.*

(aa) *“Workstation” means the area within a procedure area where a practitioner performs body art. The workstation includes, but is not limited to, the client chair or table, counter, mayo stand, instrument tray, storage drawer, and practitioner’s chair.*

Article 2. Restrictions on the Performance of Body Art

119302. (a) *Pursuant to Section 653 of the Penal Code, a client shall be at least 18 years of age to be offered or to receive a tattoo or permanent cosmetics application, regardless of parental consent.*

1 ***(b) Pursuant to Section 652 of the Penal Code, persons under***
2 ***18 years of age shall not be offered or receive a body piercing***
3 ***unless the piercing is performed in the presence of, or as directed***
4 ***by a notarized release form by, his or her parent or guardian.***

5 ***(c) A client shall be at least 18 years of age to be offered or to***
6 ***receive a branding, regardless of parental consent.***

7 ***(d) The piercing or application of permanent cosmetics to the***
8 ***nipples or genitals of a minor is prohibited. The application of***
9 ***permanent cosmetics to the nipples of a minor is authorized when***
10 ***applied by a registered permanent cosmetic technician with the***
11 ***consent of the minor's parent or guardian and as directed by a***
12 ***physician.***

13 ***(e) A body art facility may refuse to perform body piercing on***
14 ***a minor, regardless of parental or guardian consent.***

15 ***119303. (a) Prior to the performance of body art, the client***
16 ***shall read, complete, and sign an informed consent form that shall***
17 ***include, but not be limited to, all of the following information:***

18 ***(1) A description of the procedure.***

19 ***(2) A description of what the client should expect following the***
20 ***procedure, including suggested care and any medical***
21 ***complications that may occur as a result of the procedure.***

22 ***(3) A statement regarding the permanent nature of body art.***

23 ***(4) Postprocedure instructions that include all of the following:***

24 ***(A) Information on the care of the procedure site.***

25 ***(B) Restrictions on physical activities such as bathing,***
26 ***recreational water activities, gardening, or contact with animals,***
27 ***and the duration of the restrictions.***

28 ***(C) Signs and symptoms of infection, including, but not limited***
29 ***to, redness, swelling, tenderness of the procedure site, red streaks***
30 ***going from the procedure site towards the heart, elevated body***
31 ***temperature, or purulent drainage from the procedure site.***

32 ***(D) Signs and symptoms that indicate the need to seek medical***
33 ***care.***

34 ***(b) Prior to the performance of body art, the client shall receive,***
35 ***complete, and sign a questionnaire that includes all of the following***
36 ***information:***

37 ***(1) Whether the client may be pregnant.***

38 ***(2) Whether the client has a history of herpes infection at the***
39 ***proposed procedure site, diabetes, allergic reactions to latex or***

1 *antibiotics, hemophilia or other bleeding disorder, or cardiac*
2 *valve disease.*

3 *(3) Whether the client has a history of medication use or is*
4 *currently using medication, including being prescribed antibiotics*
5 *prior to dental or surgical procedures.*

6 *(4) Other risk factors for bloodborne pathogen exposure.*

7 *(c) The questionnaire and all responses shall be considered*
8 *confidential information. The body art facility shall maintain the*
9 *privacy of the information and shall not sell, share, or transfer the*
10 *information. A body art facility shall comply with all state and*
11 *federal laws with respect to the protection of a client's personally*
12 *identifiable information, including, but not limited to, medical*
13 *information, and shall be subject to existing penalties for violation*
14 *of applicable laws. The body art facility shall shred any*
15 *confidential medical information after two years from performing*
16 *the body art procedure on the client.*

17 *119304. The piercing of the ear that does not constitute body*
18 *art shall be subject to the following requirements:*

19 *(a) A facility at which ear piercing is conducted shall be safe*
20 *and sanitary and not constitute a threat to public health and safety,*
21 *as determined by the local enforcement agency.*

22 *(b) A facility at which ear piercing is conducted shall register*
23 *annually with the local enforcement agency in whose jurisdiction*
24 *the facility is located. The registration documentation shall disclose*
25 *whether or not the facility pierces only the earlobe or pierces other*
26 *parts of the ear. If the facility pierces other parts of the ear,*
27 *practitioners shall receive additional training regarding the*
28 *piercing of ear cartilage.*

29 *(c) The local enforcement agency may charge a fee for*
30 *registration required by this section. The fee shall be set in an*
31 *amount sufficient to cover the actual costs of administering and*
32 *enforcing the provisions of this section. The local enforcement*
33 *agency may not set a different fee based on which part of the ear*
34 *is pierced.*

35 *(d) A person performing ear piercing shall meet the following*
36 *requirements before providing services to the public:*

37 *(1) Be 18 years of age or older.*

38 *(2) Receive training on how to use the ear piercing device.*

1 (3) Receive a minimum of one hour of training on types of
2 bloodborne pathogens and other communicable diseases, the modes
3 of transmission, and methods to control exposure.

4 (4) Receive training on proper hand hygiene and the use of
5 single-use equipment, including, but not limited to, gloves, towels,
6 and disinfectant wipes.

7 (e) The part of the mechanical ear stud device that contacts the
8 skin shall be single-use, presterilized stud and clasp only.

9 (f) A single-use, presterilized clasp and stud used in ear piercing
10 pursuant to this section shall meet all applicable jewelry
11 requirements in subdivisions (a) and (b) of Section 119310.

12 119305. This chapter does not restrict the activities of a
13 physician and surgeon licensed under Chapter 5 (commencing
14 with Section 2000) of Division 2 of the Business and Professions
15 Code. Nothing in this chapter authorizes a practitioner to perform
16 activities that are restricted under Chapter 5 (commencing with
17 Section 2000) of Division 2 of the Business and Professions Code.

18
19 Article 3. Practitioner Registration
20

21 119306. (a) A person shall not perform body art if he or she
22 is not registered with the local enforcement agency.

23 (b) As a condition of registration, the applicant shall provide
24 all of the following:

25 (1) Evidence of current hepatitis B vaccination, including
26 applicable boosters, unless the practitioner can demonstrate
27 hepatitis B immunity or has complied with current federal OSHA
28 hepatitis B vaccination declination requirements.

29 (2) Evidence of completion of OSHA Bloodborne Pathogen
30 Training consistent with Section 119307 and pursuant to paragraph
31 (2) of subdivision (g) of Section 5193 of Title 8 of the California
32 Code of Regulations or its successor.

33 (3) Evidence of completion of an accredited four-hour first aid
34 and CPR training course.

35 (4) Proof that he or she is 18 years of age or older.

36 (5) Self-certification of, knowledge of, and commitment to meet
37 state law and relevant local regulations pertaining to body art
38 safety.

39 (6) His or her business address and the address at which he or
40 she will perform any activity regulated by this chapter.

1 (7) *Payment of a registration fee directly to the local*
2 *enforcement agency. The local enforcement agency shall set the*
3 *fee at an amount sufficient to cover the actual costs of*
4 *administering the program.*

5 (c) *A practitioner shall display, in a place readily visible to the*
6 *public at the body art facility where the practitioner is performing*
7 *body art, the certificate confirming registration with the local*
8 *enforcement agency in the jurisdiction in which that practice is*
9 *conducted.*

10 (d) *A valid and current registration issued by a local*
11 *enforcement agency shall be valid in any other jurisdiction for no*
12 *more than five consecutive days, or 15 days total, in any one*
13 *calendar year.*

14 (e) *Practitioner registration shall be renewed annually by a*
15 *process to be determined by the local enforcement agency.*

16 119307. (a) *Prior to registering with the local enforcement*
17 *agency, a practitioner shall complete a Bloodborne Pathogens*
18 *Exposure Control Training program that is specific to his or her*
19 *practice.*

20 (b) *An owner shall provide Bloodborne Pathogens Exposure*
21 *Control Training pursuant to the requirements of paragraph (2)*
22 *of subdivision (g) of Section 5193 of Title 8 of the California Code*
23 *of Regulations, or its successor, for all employees, contractors,*
24 *and volunteers who perform duties within the decontamination*
25 *and sterilization area or procedure area.*

26 (c) *The Bloodborne Pathogens Exposure Control Training shall*
27 *meet all of the following criteria:*

28 (1) *Training shall be conducted by a person or persons who are*
29 *knowledgeable in exposure control and infection prevention in the*
30 *body art setting and who are authorized federal Occupational*
31 *Safety and Health Administration General Industry Outreach*
32 *Trainers.*

33 (2) *Training and training materials shall be specific to*
34 *performing body art.*

35 (3) *Training shall consist of not less than four hours of training*
36 *that includes all of the following:*

37 (A) *A copy and explanation of the California Occupational*
38 *Safety and Health Administration Bloodborne Pathogens Standard*
39 *contained in Section 5193 of Title 8 of the California Code of*
40 *Regulations, or its successor.*

1 (B) A copy and explanation of Subchapter 11 of Title 17 of the
2 California Code of Regulations.

3 (C) A copy and explanation of applicable county, city, or city
4 and county ordinances that pertain to bloodborne pathogen
5 transmission control in body art.

6 (D) Discussion of transmission, control, and symptoms of the
7 diseases caused by bloodborne pathogens.

8 (E) Discussion of tasks involved in performing body art and
9 how those tasks may lead to exposure to bloodborne pathogens
10 for the client or practitioner.

11 (F) Discussion of the types and uses of personal protective
12 equipment, such as disposable gloves, including an explanation
13 of the limitations of the equipment.

14 (G) Discussion of the types of tasks, proper task technique, and
15 order of tasks before and after putting on and removing personal
16 protective equipment, to avoid contamination.

17 (H) Discussion of the importance of hand hygiene and a
18 demonstration of proper hand hygiene techniques.

19 (I) Discussion of choice, use, and storage of disinfectants and
20 antiseptics.

21 (J) Information on the signage required for biohazard materials
22 and the importance of properly labeling chemicals and supplies.

23 (K) Information on hepatitis B vaccine, including safety and
24 accessibility.

25 (L) Discussion of what constitutes a bloodborne pathogen
26 exposure incident, including all of the following:

27 (i) Examples of bloodborne pathogen exposure, how the
28 exposure occurred, and what actions to take to prevent or minimize
29 future exposures.

30 (ii) Risk of infection following a bloodborne pathogen exposure
31 incident.

32 (iii) Procedures to be followed after an exposure incident,
33 including medical followup.

34 (M) Opportunities for interactive questions and answers with
35 the instructor.

36 (d) Each person required to complete a Bloodborne Pathogens
37 Exposure Control Training program pursuant to this section shall
38 annually complete a minimum of two hours of Bloodborne
39 Pathogens Exposure Control Training update presented by a
40 trainer eligible pursuant to paragraph (1) of subdivision (c).

1 (e) Records of training required pursuant to this section shall
2 be maintained for three years and shall be available for inspection
3 upon request of the enforcement officer.

4 119308. (a) Before performing body art, the practitioner shall
5 do all of the following:

6 (1) Wash his or her hands as follows:

7 (A) Rinse his or her hands under running water.

8 (B) Lather his or her hands with soap and use friction to clean
9 all surfaces of the hands and fingers for at least 15 seconds and
10 re-rinse his or her hands under running water to completely remove
11 soap.

12 (C) Dry his or her hands thoroughly with a single-use towel.

13 (D) Turn off the tap by using a towel or by elbow- or
14 foot-operated taps.

15 (2) Put on a clean apron, bib, or lap pad over clean, dry
16 clothing.

17 (3) Put on personal protective equipment that is appropriate
18 for the task.

19 (4) Don clean, previously unused, disposable examination gloves
20 on both hands just prior to the procedure. Gloves shall be worn
21 throughout the procedure. If gloves come into contact with any
22 object or surface other than the client's prepared skin or material
23 to be used for the procedure, or if a glove is torn or punctured,
24 both gloves shall be removed, hand hygiene performed, and new,
25 clean, previously unused, disposable examination gloves shall be
26 donned. If gloves are removed for any reason during a procedure,
27 hand hygiene shall be performed prior to donning new, clean,
28 previously unused, disposable examination gloves.

29 (5) If the skin at the procedure site is to be shaved, the skin shall
30 be first washed with soap and water. A single-use, disposable razor
31 shall be used to shave the procedure site and then discarded into
32 a sharps container.

33 (6) Immediately prior to performing the body art, the client's
34 skin shall be prepared with an antiseptic solution, antimicrobial,
35 or microbicide, according to manufacturer's instructions, or with
36 70 percent isopropyl alcohol applied with a folded paper towel,
37 cotton ball, gauze, or swab using a circular motion, gradually
38 increasing the size of the circle until the entire procedure site is
39 cleaned. The item used for application shall be discarded after
40 use.

1 ***(b) At the completion of the procedure, the practitioner shall***
2 ***do all of the following:***

3 ***(1) Answer questions regarding the procedure site.***

4 ***(2) Provide postprocedure instructions.***

5 ***(3) Place all used or discarded sharps waste in a sharps waste***
6 ***container.***

7 ***(4) Wash and disinfect reusable instruments as provided in***
8 ***subdivisions (d) and (e) of Section 119309.***

9 ***(5) Package and sterilize reusable instruments that may have***
10 ***come in contact with nonintact skin or mucosal surfaces.***

11 ***(6) Decontaminate the workstation and procedure area.***

12 ***119309. (a) The practitioner shall maintain a clean and***
13 ***sanitary environment.***

14 ***(b) All solid surfaces and objects in the procedure area and the***
15 ***decontamination and sterilization area that have come into contact***
16 ***with the client or the materials used in performing the body art,***
17 ***including, but not limited to, chairs, armrests, tables, countertops,***
18 ***and trays, shall be immediately decontaminated after each use***
19 ***and then disinfected by application of either of the following:***

20 ***(1) A disinfectant, used according to manufacturer's directions.***

21 ***(2) A proprietary hypochlorite product, registered with the***
22 ***federal Environmental Protection Agency and used according to***
23 ***the manufacturer's directions, or a 1:100 dilution of hypochlorite,***
24 ***prepared by mixing one part household bleach with 100 parts***
25 ***water, mixed within the past 24 hours. If the dilution of***
26 ***hypochlorite is used, the solution shall be left on the surface for***
27 ***10 to 20 minutes before rinsing with water.***

28 ***(c) The surfaces and objects in the procedure area shall be***
29 ***disinfected again before use if the area has been used for any***
30 ***activity following its previous disinfection.***

31 ***(d) The practitioner shall wear disposable gloves on both hands***
32 ***when touching, decontaminating, or handling a surface, object,***
33 ***instrument, or jewelry that is soiled or that is potentially soiled***
34 ***with human blood.***

35 ***(e) An instrument or other reusable item that comes into contact***
36 ***with nonintact skin or mucosal surfaces shall either be single use***
37 ***or be washed, disinfected, packaged, and sterilized after each***
38 ***procedure. Sterilization shall be accomplished pursuant to the***
39 ***procedures established in Section 119315 by steam autoclave.***

1 (f) An instrument or reusable item that does not come into
2 contact with nonintact skin or mucosal surfaces shall be washed
3 with a solution of soap and water, using a brush that is small
4 enough to clean the interior surfaces, and decontaminated after
5 each procedure.

6 (g) A reusable item that cannot be immediately washed,
7 disinfected, and sterilized following completion of the body art
8 procedure shall be placed in a basin of water with or without
9 detergent.

10 (h) Sterile instrument packs shall be evaluated before use, and
11 if the integrity of a pack is compromised in any way, including,
12 but not limited to, being torn, punctured, wet, or having evidence
13 of potential moisture contamination, the instrument pack shall be
14 discarded or reprocessed before use.

15 (i) No food, drink, tobacco product, or personal effects are
16 permitted in the procedure area. The practitioner shall not eat,
17 drink, or smoke while performing a procedure. If a client requests
18 to eat, drink, or smoke, the procedure shall be stopped and the
19 procedure site shall be protected from possible contamination
20 while the client leaves the procedure area to eat, drink, or smoke.

21 (j) Branding shall not be done with another client in the
22 procedure area. During the procedure, the practitioner and the
23 client shall wear appropriate protective face filter masks.

24 119310. (a) Jewelry placed in newly pierced skin shall be
25 sterilized prior to piercing as specified in Section 119315 or shall
26 be purchased presterilized. Sterile jewelry packs shall be evaluated
27 before use and, if the integrity of a pack is compromised, including,
28 but not limited to, being torn, wet, or punctured, the pack shall be
29 discarded or reprocessed before use.

30 (b) Only jewelry made of ASTM F138, ISO 5832-1, and AISI
31 316L or AISI 316LVM implant grade stainless steel, solid 14-karat
32 through 18-karat yellow or white gold, niobium, ASTM F 136
33 6A4V titanium, platinum, or other materials found to be equally
34 biocompatible shall be placed in newly pierced skin.

35 (c) Ear piercing equipment with a disposable, single-use,
36 presterilized clasp and stud may be used only for piercing the ear
37 pursuant to Section 119304.

38 (d) If measuring the body piercing site is necessary, clean
39 calipers shall be used and the skin marked using clean toothpicks
40 and ink.

1 119311. (a) A product applied to the skin prior to tattooing
2 or application of permanent cosmetics, including, but not limited
3 to, stencils and marking and transfer agents, including pens, shall
4 be single use and discarded into a waste container at the end of
5 the procedure unless the product can be disinfected for reuse.

6 (b) Only commercially manufactured inks, dyes, and pigments
7 shall be used.

8 (c) Inks, pigments, soaps, and other products in multiple-use
9 containers shall be dispensed in a manner to prevent contamination
10 of the storage container and its remaining contents through the
11 use of a single-use receptacle.

12 (d) Inks and pigments shall be placed into a clean, single-use
13 receptacle. The inks and pigments remaining in the receptacle
14 shall be discarded immediately upon completion of the procedure.

15 (e) If a tray is used for inks or pigments, it shall be
16 decontaminated after each procedure.

17 (f) Only single-use needles and needle bars shall be used in
18 tattooing and the application of permanent cosmetics. Needles and
19 needle bars that are purchased in a nonsterilized state, shall be
20 sterilized, pursuant to the process required by Section 119315.

21 (g) Needles, needle bars, grommets, and razors shall be
22 discarded into a sharps waste container immediately upon
23 completion of the procedure.

24 (h) Any part of a tattooing machine that may be touched by the
25 practitioner during the procedure shall be covered with a
26 disposable plastic sheath that is discarded upon completion of the
27 procedure, and the machine shall be decontaminated upon
28 completion of the procedure.

29 (i) A machine used to insert pigments shall be designed with
30 removable tip parts between the tip and motor housing, and in a
31 manner that will prevent backflow into enclosed parts of the motor
32 housing.

33 (j) A hand tool used to insert pigment shall be disposed of in a
34 sharps container, with the sharps intact, unless the needle can be
35 mechanically ejected from the hand tool.

36
37 Article 4. Permanent Body Art Facilities
38

39 119312. (a) A body art facility shall not conduct business
40 without a valid health permit.

1 **(b)** *The application for a health permit for a body art facility*
2 *shall include all of the following:*

3 **(1)** *A copy of the facility's infection prevention control plan, as*
4 *required by Section 119313.*

5 **(2)** *A fee, as set by the local enforcement agency at an amount*
6 *sufficient to cover the actual costs of administration of the*
7 *program. Fees established by this section shall be used exclusively*
8 *in support of activities pursuant to this chapter.*

9 **(c)** *The local enforcement agency shall issue a health permit*
10 *after an investigation has determined that the proposed body art*
11 *facility and its method of operation meets the specifications of the*
12 *approved plans or conforms to the requirements of this article.*

13 **(d)** *A health permit is valid only for the location of the facility*
14 *and the time period indicated on the permit and may not be*
15 *transferred to another owner or facility.*

16 **(e)** *The health permit shall be posted in a conspicuous place at*
17 *the body art facility. Certificates of registration for all practitioners*
18 *performing body art in that facility shall also be prominently*
19 *displayed either near the health permit or at the individual*
20 *practitioner's procedure area if each practitioner has a designated*
21 *area.*

22 **(f)** *A person proposing to construct a practice site or mobile*
23 *practice site, other than a temporary body art event booth, shall*
24 *submit plans to the Plan Review Unit of the local enforcement*
25 *agency, and pay a fee set by the local enforcement agency at an*
26 *amount sufficient to cover the actual costs of the plan review*
27 *process. The plans shall be approved in advance of the issuance*
28 *of a building, plumbing, or electrical permit. All required*
29 *corrections must be made and the body art facility approved to*
30 *open before body art can be performed in the facility.*

31 **(g)** *Health permits shall be renewed annually through a process*
32 *to be determined by the local enforcement agency.*

33 **119313. (a)** *A body art facility shall maintain and follow a*
34 *written Infection Prevention and Control Plan, provided by the*
35 *owner or established by the practitioners, specifying the procedures*
36 *to achieve compliance with each applicable requirement of this*
37 *chapter.*

38 **(b)** *The Infection Prevention and Control Plan shall include all*
39 *of the following:*

1 (1) Procedures for decontaminating and disinfecting
2 environmental surfaces.

3 (2) Procedures for decontaminating, packaging, sterilizing, and
4 storing reusable instruments.

5 (3) Procedures for protecting clean instruments and sterile
6 instrument packs from exposure to dust and moisture during
7 storage.

8 (4) A set up and tear down procedure for any form of body art
9 performed at the body art facility.

10 (5) Techniques to prevent the contamination of instruments or
11 the procedure site during the performance of body art.

12 (6) Procedures for safe handling and disposal of sharps waste.

13 (c) The Infection Prevention and Control Plan shall be revised
14 when changes are made in infection prevention practices,
15 procedures, or tasks.

16 (d) Onsite training on the facility's Infection Prevention and
17 Control Plan shall take place when tasks where occupational
18 exposure may occur are initially assigned, any time there are
19 changes in the procedures or tasks, and when new technology is
20 adopted for use in the facility, but not less than once each year.

21 (e) Records of training required pursuant to this section shall
22 be maintained for three years and shall be available for inspection
23 upon request of the enforcement officer.

24 119314. (a) With the exception of a temporary demonstration
25 booth and a mobile site, as specified in Sections 119317 and
26 119318, a body art facility shall comply with all of the following:

27 (1) Have floors, walls, and ceilings that are smooth, free of open
28 holes, and washable.

29 (2) Be free of insect and rodent infestation.

30 (3) Be separate from any residential areas used for sleeping,
31 bathing, or meal preparation. A body art facility associated with
32 a residential dwelling shall have a separate entrance and toilet
33 facility, and shall not have a door allowing direct access between
34 the body art facility and the residential dwelling.

35 (b) Procedure areas in a body art facility shall meet all of the
36 following standards:

37 (1) Be equipped with a light source of least 150 foot-candles of
38 light at the procedure area.

39 (2) Be separated, by a wall or ceiling-to-floor partition, from
40 nail and hair activities.

1 (3) *Be equipped with a sink supplied with hot and cold running*
2 *water, containerized liquid soap, and single-use paper towels that*
3 *are dispensed from a wall-mounted, touchless dispenser that is*
4 *accessible to the practitioner.*

5 (c) *Decontamination and sanitation areas within a body art*
6 *facility shall meet all of the following requirements:*

7 (1) *Be separated from procedure areas by a space of at least*
8 *five feet or by a cleanable barrier.*

9 (2) *Be equipped with a sink, hot and cold running water, liquid*
10 *soap in a wall-mounted dispenser, and single-use paper towels*
11 *dispensed from a wall-mounted, touchless dispenser that is readily*
12 *accessible to the practitioner.*

13 (d) *Each procedure area and decontamination and sterilization*
14 *area shall have waste containers lined with plastic bags specifically*
15 *manufactured for use in waste containers and large enough to fold*
16 *over the top rim of the waste container by a minimum of one inch.*

17 (e) *Each procedure area and decontamination and sterilization*
18 *area shall have a container for the disposal of sharps waste that*
19 *meets the following requirements:*

20 (1) *The sharps waste container shall be portable, if portability*
21 *is necessary to ensure that the sharps waste container is within*
22 *arm's reach of the practitioner.*

23 (2) *The sharps waste container shall be labeled with the words*
24 *"sharps waste" or with the international biohazard symbol and*
25 *the word "BIOHAZARD."*

26 (3) *All sharps waste produced during the process of tattooing,*
27 *body piercing, or the application of permanent cosmetics shall be*
28 *disposed by either of the following methods:*

29 (A) *Removal and disposal by a company, or removal and*
30 *transportation through a mail-back system approved by the*
31 *department pursuant to subdivision (b) of Section 118245.*

32 (B) *As solid waste, after being disinfected by a method approved*
33 *by the department pursuant to paragraph (3) of subdivision (a) of*
34 *Section 118215.*

35 (f) *No animals shall be allowed in the procedure area or the*
36 *decontamination and sterilization area.*

37 119315. *A body art facility shall conform to the following*
38 *sterilization procedures:*

39 (a) *Clean instruments to be sterilized shall first be sealed in*
40 *peel-packs that contain either a sterilizer indicator or internal*

1 *temperature indicator. The outside of the pack shall be labeled*
2 *with the name of the instrument, the date sterilized, and the initials*
3 *of the person operating the sterilizing equipment.*

4 *(b) Sterilizers shall be loaded, operated, decontaminated, and*
5 *maintained according to manufacturer's directions, and shall meet*
6 *all of the following standards:*

7 *(1) Only equipment manufactured for the sterilization of medical*
8 *instruments shall be used.*

9 *(2) Sterilization equipment shall be tested using a commercial*
10 *biological indicator monitoring system after the initial installation,*
11 *after any major repair, and at least once per month. The expiration*
12 *date of the monitor shall be checked prior to each use.*

13 *(3) Each sterilization load shall be monitored with mechanical*
14 *indicators for time, temperature, pressure, and Class V integrators.*
15 *Each individual sterilization pack shall have Class V integrators.*

16 *(4) Biological indicator monitoring test results shall be recorded*
17 *in a log that shall be kept on site for two years after the date of*
18 *the results.*

19 *(5) A written log of each sterilization cycle shall be retained on*
20 *site for two years and shall include all of the following information:*

21 *(A) The date of the load.*

22 *(B) A list of the contents of the load.*

23 *(C) The exposure time and temperature.*

24 *(D) The results of the Class V integrator.*

25 *(E) For cycles where the results of the biological indicator*
26 *monitoring test are positive, how the items were cleaned, and proof*
27 *of a negative test before reuse.*

28 *(c) Clean instruments and sterilized instrument packs shall be*
29 *placed in clean, dry, labeled containers, or stored in a labeled*
30 *cabinet that is protected from dust and moisture.*

31 *(d) Sterilized instruments shall be stored in the intact peel-packs*
32 *or in the sterilization equipment cartridge until time of use.*

33 *(e) Sterile instrument packs shall be evaluated at the time of*
34 *storage and before use. If the integrity of a pack is compromised,*
35 *including, but not limited to, cases where the pack is torn,*
36 *punctured, wet, or displaying any evidence of moisture*
37 *contamination, the pack shall be discarded or reprocessed before*
38 *use.*

39 *(f) A body art facility that does not afford access to a*
40 *decontamination and sterilization area that meets the standards*

1 of subdivision (c) of Section 119314 or that does not have
2 sterilization equipment shall use only purchased disposable,
3 single-use, presterilized instruments. In place of the requirements
4 for maintaining sterilization records, the following records shall
5 be kept and maintained for one year following the use of the
6 instruments at the site of practice for the purpose of verifying the
7 use of disposable, single-use, presterilized instruments:

8 (1) A record of purchase and use of all single-use instruments.

9 (2) A log of all procedures, including the names of the
10 practitioner and client and the date of the procedure.

11 119316. (a) If a practitioner performs body art in a vehicle,
12 a health permit is required if the practitioner will practice in the
13 vehicle in the jurisdiction for more than seven days in a 90-day
14 period. To obtain a health permit, the vehicle shall meet the
15 requirements set forth in subdivisions (b) to (g), inclusive, of
16 Section 119317.

17 (b) If the vehicle will be operating in the jurisdiction for less
18 than seven days in a consecutive 90-day period, the vehicle shall
19 be treated as a temporary booth and will be subject to Section
20 119317.

21 Article 5. Temporary Body Art Facilities

22
23
24 119317. A practitioner may, in the local jurisdiction of
25 registration, practice in a temporary demonstration booth for no
26 more than seven days in a 90-day period. The demonstration booth
27 shall meet all of the following requirements:

28 (a) Be located within a building that has hand washing facilities
29 with hot and cold running water, soap, and single-use paper towels
30 to which practitioners have direct access.

31 (b) Constructed with a partition of at least three feet in height
32 separating the procedure area from the public.

33 (c) Be free of insect or rodent infestation.

34 (d) Used exclusively for performing body art.

35 (e) Equipped with at least 150 foot-candles of light available
36 at the level where the practitioner is performing body art.

37 (f) Equipped with hand washing equipment that, at a minimum,
38 consists of containerized liquid soap, single-use paper towels, a
39 five-gallon or larger container of potable water accessible via
40 spigot, and a wastewater collection and holding tank of

1 *corresponding size. Potable water shall be refilled and the holding*
2 *tank evacuated at least every four procedures or every four hours,*
3 *whichever occurs first.*

4 *(g) Not allow animals within the confines of the demonstration*
5 *booth.*

6 *119318. (a) The sponsor of a temporary body art event shall*
7 *apply for and obtain a sponsor's permit from the local enforcement*
8 *agency in the jurisdiction where the event will be held.*

9 *(b) The sponsor of a temporary body art event shall be*
10 *responsible for ensuring the availability of support facilities and*
11 *supplies for practitioners and vendors, including, but not limited*
12 *to:*

13 *(1) Access to a potable water supply.*

14 *(2) Restrooms that have flush toilets supplied with toilet paper,*
15 *and hand wash sinks supplied with hot and cold potable running*
16 *water, soap, and single-use paper towels to which practitioners*
17 *have direct access.*

18 *(3) Sharps waste containers for each demonstration booth.*

19 *(4) The use of a licensed medical waste disposal company for*
20 *removal of all sharps waste containers used during the body art*
21 *event.*

22 *(5) Frequent trash pickup from demonstration booths.*

23 *(6) An eye wash station.*

24 *(7) A decontamination and sterilization area that is separated*
25 *from a procedure area by at least five feet or by a cleanable*
26 *barrier.*

27 *(8) Adequate backup supplies that have been stored in*
28 *compliance with subdivision (d) of Section 119315 and that can*
29 *be purchased by practitioners, including, but not limited to:*

30 *(A) Presterilized tattoo needles.*

31 *(B) Presterilized needle tubes.*

32 *(C) Presterilized piercing instruments, including, but not limited*
33 *to, needles, receiving tubes, corks, marking tools, and forceps.*

34 *(D) Plastic bags, barrier film, clip cord covers, and plastic*
35 *wrap.*

36 *(E) Ink cups.*

37 *(F) Nitrile and latex gloves.*

38 *(G) Single-use tubes of water-based and petroleum-based*
39 *lubricants.*

40 *(H) Absorbent dressing materials.*

1 (c) *The name, telephone number, and directions to an emergency*
2 *room near the temporary body art event shall be posted in a*
3 *conspicuous location.*

4 (d) *Each practitioner working in a booth at a temporary body*
5 *art event shall display his or her certificate of registration, or keep*
6 *the certificate in a folder that is available for inspection upon*
7 *request of the enforcement officer or a client.*

8
9 Article 6. *Enforcement*

10
11 119319. (a) *An enforcement officer may enter a body art*
12 *facility during the facility's hours of operation and other*
13 *reasonable times to do any of the following:*

14 (1) *Conduct inspections, issue citations, and secure samples,*
15 *photographs, or other evidence from a body art facility, or any*
16 *facility suspected of being a body art facility.*

17 (2) *Check the Infection Prevention and Control Plan, required*
18 *pursuant to Section 119313, to determine if persons working in*
19 *the facility are following the plan, and to determine if the plan is*
20 *in compliance with this chapter.*

21 (3) *Secure as evidence documents, or copies of documents,*
22 *including the Infection Prevention and Control Plan, or any record,*
23 *file, paper, process, invoice, or receipt for the purpose of*
24 *determining compliance with this chapter.*

25 (b) *A written report shall be made and a copy shall be supplied*
26 *or mailed to the owner or practitioner at the completion of an*
27 *inspection or investigation.*

28 (c) *Based upon inspection findings or other evidence, an*
29 *enforcement officer may impound instruments that are found to*
30 *be unsafe to use. Within 30 days, the local enforcement agency*
31 *that has impounded the equipment shall commence proceedings*
32 *to release the instrument or to seek administrative or legal remedy*
33 *for its disposal.*

34 (d) *It is a violation of this chapter for the owner or a person*
35 *working in a body art facility, to do any of the following:*

36 (1) *Conceal records or evidence, or to withhold evidence.*

37 (2) *Interfere with the performance of the duties of an*
38 *enforcement officer.*

1 (3) *Make a false statement, representation, certification, record,*
2 *report, or otherwise falsify information required to be submitted*
3 *or maintained pursuant to this chapter.*

4 119320. (a) *A certificate of registration or a health permit*
5 *may be suspended by a local enforcement agency for a violation*
6 *of this chapter.*

7 (b) *A body art facility or practitioner whose certificate of*
8 *registration or health permit has been suspended shall cease doing*
9 *business until the certificate or permit has been reinstated.*
10 *Suspension of the registration of one practitioner in a body art*
11 *facility does not affect the status of other practitioners in the facility*
12 *unless the violation or violations are for conditions or equipment*
13 *that affects the ability of all the practitioners in the facility to*
14 *comply with the provisions of this chapter.*

15 (c) *A body art facility for which the health permit has been*
16 *revoked shall close and remain closed until a new health permit*
17 *has been issued.*

18 (d) *Whenever an enforcement officer finds that a practitioner*
19 *or body art facility is not in compliance with the requirements of*
20 *this chapter, a written notice to comply shall be issued to the*
21 *registrant or permitholder. If the registrant or permitholder fails*
22 *to comply, the enforcement officer shall issue a notice of violation*
23 *to the registrant or permitholder setting forth the acts or omissions*
24 *with which the registrant or permitholder is charged, and informing*
25 *him or her of a right to a hearing, if requested, to show cause why*
26 *the registration or permit should not be suspended or revoked.*

27 (e) (1) *A written request for a hearing shall be made by the*
28 *registrant or permitholder within 15 calendar days after receipt*
29 *of the notice.*

30 (2) *The hearing shall be held within 15 calendar days of the*
31 *receipt of a request for a hearing. Upon written request of the*
32 *registrant or permitholder, the hearing officer may postpone a*
33 *hearing date, if circumstances warrant the action.*

34 (f) *A failure to request a hearing within 15 calendar days after*
35 *receipt of the notice shall be deemed a waiver of the right to a*
36 *hearing.*

37 (g) *The hearing officer shall issue a written notice of decision*
38 *to the registrant or permitholder within five working days following*
39 *the hearing. In the event of a suspension or revocation, the notice*
40 *shall specify the acts or omissions with which the registrant or*

1 *permitholder is charged, and shall state the terms of the suspension*
2 *or that the registration or health permit has been revoked.*

3 *(h) A certificate of registration or health permit may be*
4 *reinstated or a new certificate of registration or health permit*
5 *issued if the local enforcement agency determines that the*
6 *conditions that prompted the suspension or revocation no longer*
7 *exist.*

8 *119321. If an imminent health hazard is found, the enforcement*
9 *officer may suspend a registration temporarily and order the*
10 *practitioner to cease operation if the hazard is not corrected. If*
11 *the hazard affects the entire body art facility, then the entire facility*
12 *may be closed immediately. Whenever a registration or health*
13 *permit is suspended as the result of an imminent health hazard,*
14 *the enforcement officer shall issue to the registrant or permitholder*
15 *a notice setting forth the acts or omissions being charged,*
16 *specifying the pertinent code section, and informing the registrant*
17 *or permitholder of the right to a hearing.*

18 *119322. The local enforcement agency may, after providing*
19 *opportunity for a hearing, modify, suspend, or revoke a certificate*
20 *of registration or a health permit for serious or repeated violations*
21 *of any requirement of this chapter or for interference in the*
22 *performance of the duty of the enforcement officer.*

23 *119323. Performing body art without being registered,*
24 *operating a body art facility without a health permit, or operating*
25 *a temporary body art event without a permit shall be a*
26 *misdemeanor. The local enforcement agency may also assess an*
27 *administrative penalty in an amount not less than twenty-five*
28 *dollars (\$25) and not more than one thousand dollars (\$1,000)*
29 *for violation of a provision of this chapter. All fines are to be*
30 *retained by the local enforcement agency for enforcement of the*
31 *provisions of this chapter.*

32 *119324. A city, county, or city and county may adopt*
33 *regulations or ordinances that do not conflict with, or are more*
34 *stringent than, the provisions of this chapter as they relate to body*
35 *art.*

36 *SEC. 3. This act shall become operative on July 1, 2011.*

37 *SEC. 4. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution for certain*
39 *costs that may be incurred under this act because a local agency*
40 *or school district has the authority to levy service charges, fees,*

1 *or assessments sufficient to pay for the program or level of service*
2 *mandated by this act, within the meaning of Section 17556 of the*
3 *Government Code.*

4 *No reimbursement is required by this act pursuant to Section 6*
5 *of Article XIII B of the California Constitution for those costs that*
6 *may be incurred by a local agency or school district because this*
7 *act creates a new crime or infraction, eliminates a crime or*
8 *infraction, or changes the penalty for a crime or infraction, within*
9 *the meaning of Section 17556 of the Government Code, or changes*
10 *the definition of a crime within the meaning of Section 6 of Article*
11 *XIII B of the California Constitution.*

12 ~~SECTION 1. The Legislature hereby finds and declares all of~~
13 ~~the following:~~

14 ~~(a) The Junior Reserve Officers' Training Corps (JROTC) is a~~
15 ~~leadership and citizenship program offered before, during, and~~
16 ~~after school in public high schools that fosters character~~
17 ~~development, pupil achievement, leadership skills, wellness and~~
18 ~~physical fitness, and civic responsibility.~~

19 ~~(b) The mission of the JROTC program is "To Motivate Young~~
20 ~~People to be Better Citizens."~~

21 ~~(c) Pupils and instructors in the JROTC program volunteer~~
22 ~~thousands of community service hours to their schools and~~
23 ~~communities.~~

24 ~~(d) Pupils of all genders, races, and sexual orientations~~
25 ~~participate in the JROTC program. Openly gay, lesbian, bisexual,~~
26 ~~and transgender pupils number among the cadets and cadet~~
27 ~~leadership staff.~~

28 ~~(e) The JROTC program has been cited by program alumni,~~
29 ~~parents, principals, counselors, and teachers as supporting at-risk~~
30 ~~high school pupils.~~

31 ~~(f) Over 90 percent of JROTC program participants go on to~~
32 ~~college.~~

33 ~~(g) In November 2008, the voters of the City and County of San~~
34 ~~Francisco overwhelmingly passed Proposition V by nearly 55~~
35 ~~percent urging the San Francisco City Unified School District to~~
36 ~~support the JROTC program by continuing to make it available to~~
37 ~~district pupils.~~

38 ~~(h) The JROTC curriculum contains a rigorous and intense~~
39 ~~physical activity component that motivates pupils toward a lifelong~~
40 ~~commitment to physical fitness and health.~~

1 ~~SEC. 2. Section 51230.1 is added to the Education Code, to~~
2 ~~read:~~

3 ~~51230.1. Consistent with the authority afforded to the governing~~
4 ~~board of any school under Section 51750, the San Francisco Board~~
5 ~~of Education shall make Junior Reserve Officers' Training Corps~~
6 ~~(JROTC) courses available to pupils under its jurisdiction in grades~~
7 ~~9 to 12, inclusive, at all schools within the district where JROTC~~
8 ~~courses were offered during the 2008-09 school year if it also~~
9 ~~makes athletic programs available to those pupils.~~

10 ~~SEC. 3. The Legislature hereby finds and declares that due to~~
11 ~~unique circumstances relating to the City and County of San~~
12 ~~Francisco, a general statute cannot be made applicable within the~~
13 ~~meaning of Section 16 of Article IV of the California Constitution.~~

14 ~~SEC. 4. This act is an urgency statute necessary for the~~
15 ~~immediate preservation of the public peace, health, or safety within~~
16 ~~the meaning of Article IV of the Constitution and shall go into~~
17 ~~immediate effect. The facts constituting the necessity are:~~

18 ~~In order to ensure that Junior Reserve Officers' Training Corps~~
19 ~~continue in existence in the San Francisco City Unified School~~
20 ~~District with as high a rate of pupil participation as possible, it is~~
21 ~~necessary that this measure take effect immediately.~~